

APPENDIX 6

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ePLUS, INC.,)	
)	
)	Civil Action No. 3:09-cv-620
Plaintiff,)	
)	
v.)	
)	
LAWSON SOFTWARE, INC.)	
)	
)	
Defendant.)	

**LAWSON SOFTWARE, INC.’S EXHIBITS AS TO WHICH ePLUS INC. OBJECTS AND
THE GROUNDS FOR OBJECTION**

Pursuant to Section V(D)(6) of the Court’s Scheduling Order, Plaintiff *ePlus, Inc.* (“*ePlus*”), through counsel, hereby submits the following general and specific objections to Defendant Lawson Software, Inc. (“Lawson”)’s Trial Exhibit List:

General Objections

1. Documents excluded pursuant to the Court’s rulings on motions in limine.

Defendant’s Trial Exhibit List includes nearly 100 documents which the Court has already ordered be excluded from trial either explicitly or implicitly.

2. Documents not previously disclosed during discovery or pursuant to Court Order.

ePlus also objects generally to the introduction of any evidence which, though it may be relevant to Lawson’s defenses, was not previously disclosed during discovery, in its responses to *ePlus*’s interrogatories or disclosed in Defendant’s Court Ordered Second Supplemental Statement of Invalidity Defenses.

3. Relevance. *ePlus* objects generally to Lawson’s introduction of any evidence

having no tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable and to the introduction of evidence wherein the probative value of that evidence is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

4. Exhibits not disclosed. *ePlus reserves its right to present additional objections to exhibits not yet disclosed to *ePlus* by *Lawson*, including, but not limited to, *Lawson Trial Exhibits DX 118, DX 119, DX 151, DX 152, DX 162, DX 368, DX 369 and DX 370.**

5. Duplicative Exhibits. *ePlus objects generally to *Lawson's* practice of including the same exhibit multiple times on its Trial Exhibit List.*

6. Exhibits not properly described. *ePlus objects generally to all *Lawson* exhibits not properly described including exhibits described as "excel spreadsheet" or impermissibly grouped exhibits.*

KEY TO OBJECTIONS

Reference	Basis for Objection
106	Fairness requires admission of remainder of the document
401/402	The evidence in the exhibit is not relevant and is not admissible
403	Any relevance of the exhibit is substantially outweighed by the danger of unfair prejudice, confusion of the issues, misleading the jury, or considerations of unfair delay, waste or confusion of the issues, misleading the jury, or considerations of unfair delay, waste of time, or needless presentation of cumulative evidence.
801/802/805	The exhibit contains or is hearsay and no exception applies and/or the exhibit contains or is hearsay within hearsay and no exception applies.
901	The exhibit lacks authentication.
1002	Original required (Best Evidence)
1003	Poor duplicate – unfair to admit as duplicate (Best Evidence)
1006	The evidence in the exhibit includes improper summary of evidence.
Duplicate	The exhibit is duplicative of another exhibit(s)
FRCP 26	Not timely disclosed
IL	The exhibit is not legible
MD	Exhibit is inadmissible because it contains more than one document or is an improper collection of documents
MIL	Subject of motion <i>in limine</i>
NT/T	The exhibit contains text in a foreign language that is not translated to English, or the translation is inaccurate
NR	Exhibit not received—all objections are reserved

Specific Objections

Def. No.	Plt. No.	Description of Exhibit	Bates Number	106	401/ 402	403	801/ 802/ 805	901	1002	1003	1006	DUP	FRCP 26	IL	MD	MIL	NT/T	NR	INACC
DX-142		Buyers' Guide to Software for Purchasing dated 11/23/89 (McEneny Depo. Exh. 118)	ePLUS0219905-0219910		X	X													
DX-291		ePlus Acquisition of Structured Computer Services and SourceSys Inc. Valuation Methodologies and Valuations	ePlus0139230-51		X	X	X												
DX-370		Reserved for Exhibits related to new source code expert																	
DX-371		Oxford English Dictionary definition of "Published"	N/A		X		X												

Specific Objections –Exhibits Excluded by Court Order

Def. No.	Plt. No.	Description of Exhibit	Bates Number	106	401/ 402	403	801/ 802/ 805	901	1002	1003	1006	DUP	FRCP 26	IL	MD	MIL	NT/T	NR	INACC
DX-31		Lawson Insight II for IBM AS/400 Auto Installation Guide for Version 7.2.2.2	L0345798-0345979		X	X							X			X			
DX-32		Lawson Insight Inventory Control Release 7.0.7 Technical Text	L0359390-0359607		X	X							X			X			
DX-33		Lawson Insight Inventory Control Release 7.0.7 User Text	L0359608-0360482		X	X							X			X			
DX-34		Lawson Insight Inventory Control Release 7.0.7 Data File Text	L0358883-00359389	X	X	X							X			X			
DX-35		Lawson Software Release 6.0	L0004381-00004386										X			X			
DX-38		Purchase Order Conversion Workbook Release 6.1 dated November 1995	L0014150-0014247		X	X							X			X			
DX-41		Lawson Purchase Order Release 6.0 Enhancement Design dated October 30, 1992	L0024261-0024357		X	X							X			X			
DX-43		Lawson Purchase Order Release 6.0 User Text	L0015615-0016422		X	X										X			
DX-44		05/23/93 Letter to Lawson from Maurice Blauch from Aircraft Service Int's	L0021190		X	X							X			X			
DX-64		UNIVERSE for UNIX Getting Started Release 2.1 dated February 1994	L0013572-0013711		X	X							X			X			
DX-73		Lawson Software Purchase Order Procedures Manual Release 6.0 dated 01/94 (Christopherson Depo. Exh. 39) ¹	L0013146-013295		X								X			X			
DX-74		Lawson Software Requisitions Procedures Manual Release 6.0 dated 01/94 (Christopherson Depo. Exh. 40) ²	L0009725-0009773		X								X			X			

¹ Lawson offers this exhibit pursuant to the Court's rulings on the motions in limine and pursuant to Federal Rule of Evidence 103.

² Lawson offers this exhibit pursuant to the Court's rulings on the motions in limine and pursuant to Federal Rule of Evidence 103.

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DX-75		Lawson Software Inventory Control Procedures Manual Release 6.0 dated 01/01/94 (Christopherson Depo. Exh. 41) ³	L0012837-0013145		X	X										X			
DX-86		Printout of notes titled "Systems are running on two platforms: HP-UX PA-RISC and IBM I" (Hvass Depo. Exh. 2) ⁴			X	X							X			X			
DX-87		wip60_mod.txt (Hvass Depo. Exh. 6) ⁵			X	X							X			X			
DX-88		Support Mod.txt (Hvass Depo. Exh. 7) ⁶			X	X							X			X			
DX-89		Cyclical_mod.txt (Hvass Depo. Exh. 8) ⁷			X	X							X			X			
DX-90		Screen shots by Jeff Hvass (Hvass Depo. Exh. 5) ⁸			X	X							X			X			
DX-91		Jeff Hvass demonstration of 5.0 Support ⁹			X	X		X	X							X			
DX-92		Jeff Hvass demonstration of 5.0 Cobdeliv ¹⁰			X	X		X	X							X			
DX-93		Jeff Hvass demonstration of 6.0 ¹¹			X	X		X	X							X			
DX-94		Jeff Hvass demonstration of 6.1 ¹²			X	X		X	X							X			

³ Lawson offers this exhibit pursuant to the Court's rulings on the motions in limine and pursuant to Federal Rule of Evidence 103.

⁴ Lawson offers this exhibit pursuant to the Court's rulings on the motions in limine and pursuant to Federal Rule of Evidence 103.

⁵ Lawson offers this exhibit pursuant to the Court's rulings on the motions in limine and pursuant to Federal Rule of Evidence 103.

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DX-95		CD of Demonstration taken during Deposition of Jeff Hvass	ePLUS0949076		X	X		X	X							X			
DX-104		Technical Viewer/2	G0000362-0000375	X	X											X			
DX-171		UNIVERSE Release Notes 2.1 dated July 1994	L0014416-0014532		X		X							X		X			
DX-172		UNIVERSE for UNIX Developer's Workbench Release 2.1 dated January 1994	L0017726-0017890		X		X							X		X			
DX-173		UNIVERSE CASE and 4GL Release 2.1 dated April 1994	L0017891-0018119		X									X		X			
DX-175		UNIVERSE for UNIX Database administration Release 2.1 dated March 1994	L0025716-0025938		X									X		X			
DX-181		Lesson Four Process Bids	LE02060596-02060609	X	X														
DX-186		Purchase Order Procedures Manual Version 7.2.0 dated February 1999	LE01078665-01078888		X	X								X		X			
DX-190		Chapter 20 Application Changes from Release 6.0 (Shamos Depo. Exh. 3) ¹³	L0373955-0374057	X	X	X								X		X			
DX-191		Requisitions Procedures Manual Version 7.2.1 dated April 1999	LE01101046-01101231		X	X								X		X			
DX-192		Purchase Order Procedures Manual Version 7.2.1 dated April 1999	LE01100551-01100774		X	X								X		X			
DX-193		Procurement Management Technical Guide Version 7.2.1 dated April 1999	LE00354500-00354727		X	X								X		X			
DX-195		Requisitions Procedures Manual Version 7.2.0 dated February 1999	LE01078889-01079072		X	X								X		X			
DX-237		File History of Reexamination No. 90/008,104 ¹⁴ (Certified Copy)			X	X										X			

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DX-238		Decision on Request for Reexamination 90/008,104 dated 10/28/06 ¹⁵ (Certified Copy)			X	X										X			
DX-239		File History of Reexamination No. 90/009,636 (U.S. Patent No. 6,055,516) ¹⁶ (Certified Copy)			X	X										X			
DX-240		Order Granting/Denying Request for Ex Parte Reexamination for Reexamination No. 90/009,636 dated 01/15/10 ¹⁷			X	X										X			
DX-241		File History of Reexamination No. 95/000,487 (U.S. Patent No. 6,505,172) (Certified Copy) ¹⁸			X	X										X			
DX-242		Order Granting/Denying Request for Inter Partes Reexamination for Reexamination No. 95/000,487 dated 10/23/09 ¹⁹			X	X										X			
DX-243		File History of Reexamination No. 90/011,066 ²⁰ (Certified Copy)			X	X										X			
DX-246		U.S. Patent No. 4,984,155: Geier (Certified Copy)	ePlus0137907-0137924		X									X		X			
DX-247		5.0 Source Code ²¹	L0172985		X	X		X	X							X			

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DX-249		6.1 Source Code from Ciber ²²	L0417613		X	X		X	X							X			
DX-250		7.2.4 Source Code	L0135743		X								X			X			
DX-276		Lawson Software Acquisition History	L0344871-0344872		X		X		X							X			
DX-277		01/28/04 Letter to Lawson enclosing Value Added Reseller Agreement between Micro Focus and Lawson	L0344941-0344952		X		X									X			
DX-307		IBM OEM Software Agreement	L0344898-0344903		X														
DX-308		Value Added Industry Remarketer Agreement Exhibit 10.24 dated 08/13/01 (Green Depo. Exh. 4)	L0145818-0145865		X											X			
DX-309		Lawson Associates Inc. Application Partner Agreement with Arbor Software Corporation dated 08/13/01 (Green Depo. Exh. 5)	L0145866-0145917		X											X			
DX-310		IBM WebSphere License (Lawson Exh. 126)	L0344875-0344897		X											X			
DX-311		Micro Focus License (Lawson Exh. 127)	L0344977-0344998		X											X			
DX-327		6.1 Product Launch Feature / Benefit Document	L0026861-881		X	X							X			X			
DX-331		Baxter Healthcare Corporation: ASAP Express	L0340559-0340571		X	X										X			
DX-333		Summary of 5.0 and 6.0 Differences – IC, PO and RQ ²³	L0017230-0017236		X	X							X			X			
DX-334		“Beyond Business Process Redesigning Redefining Baxter’s Business Network, MIT Sloan Management Review; Short et al., dated Fall 1992 ²⁴	L0343527-0343543		X	X										X			

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DX-350		Lawson Software Expectations for Procurement Software for Fiscal Years Ended May 31 (Green Expert Report Exh. G)			X	X	X				X				X				